

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

DEC 13 2000

ADMINISTRATIVE HEARING
COMMISSION

STATE BOARD OF REGISTRATION)
FOR THE HEALING ARTS,)

Petitioner,)

v.)

SUZANNE K. GREEN,)

Respondent.)

Case No. 00-1356HA

JOINT STIPULATION OF FACTS, WAIVER OF HEARING BEFORE
THE ADMINISTRATIVE HEARING COMMISSION AND STATE
BOARD OF REGISTRATION FOR THE HEALING ARTS, AND
CONSENT ORDER WITH JOINT PROPOSED FINDINGS
OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Board of Registration for the Healing Arts under § 621.135, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the speech-language pathologist license of Respondent for violations of statutes set forth below.

Respondent acknowledges that she has received and reviewed a copy of the Complaint filed by the State Board of Registration for the Healing Arts in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the complaint served upon her by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; the right to a ruling on questions of law by an administrative hearing commissioner; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Being aware of these rights provided the Respondent by operation of law, the Respondent, Suzanne K. Green, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I

Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Suzanne K. Green is licensed by the Board as a speech-language pathologist, license number HE01619, which was first issued on October 29, 1987. Green's certificate of registration is not current, but was current and active at all times mentioned herein.

3. On or about August 18, 1999, Green pled guilty in the Circuit Court of Jackson County, Missouri to three counts of Making a False Statement to Receive a Health Care Payment in violation of § 191.905.1, RSMo 1994 in Case No. CR99-03844.

4. The factual basis for the guilty plea was Green's knowing representation to the State of Missouri, a health care payer, in order to receive a health care payment, that she had provided 75 minutes of speech therapy services to Medicaid beneficiaries

on three occasions when Green knew on each occasion that such representations were false when they were made.

5. The offense to which Green pled guilty, to wit: § 191.905.1, RSMo 1994, is one which is reasonably related to the qualifications, functions and duties of a speech-language pathologist and is one an essential element of which is fraud and dishonesty and is offense involving moral turpitude.

JOINT PROPOSED CONCLUSIONS OF LAW

6. Cause exists for Petitioner to take disciplinary action against Respondent's license pursuant to § 345.065.2(2), RSMo Supp. 1998, which provides:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

* * * *

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

II

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.110, RSMo 1994. This disciplinary order will be effective immediately upon the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party:


1. Respondent VOLUNTARILY SURRENDERS her license as a speech-language pathologist, License No. HE01619.
2. Respondent shall immediately return all indicia of licensure; i.e., the original wall-hanging certificate and the wallet card, to the Board Office at 3605 Missouri Blvd., P.O. Box 4, Jefferson City, Missouri 65102.
3. Respondent shall not engage in any activity or conduct in the State of Missouri for which a license as a speech-language pathologist is required.
4. The parties to this Joint Stipulation understand that the Missouri Board of ~~Nursing Home Administrators~~ ^{Healing Arts 1-10-01} will maintain this Joint Stipulation as an open and public record of the Board.
5. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order and to the termination of any further proceedings before the

Administrative Hearing Commission based upon the Complaint filed by the Petitioner in the above-styled action.

7. Respondent hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this Litigation, or from the negotiation or execution of this Settlement and Release Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement and Release Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement and Release Agreement or any portion thereof void or unenforceable.

RESPONDENT

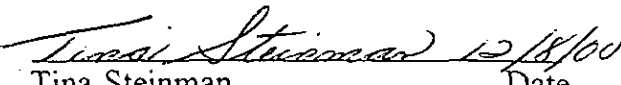

Suzanne K. Green Date


Edward B. Rucker
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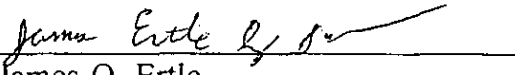
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Attorneys for Petitioner

Before the
Administrative Hearing Commission
State of Missouri



STATE BOARD OF REGISTRATION FOR THE)
HEALING ARTS,)

Petitioner,)

vs.)

SUZANNE K. GREEN,)

Respondent.)

No. 00-1356 HA

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 1999, gives us jurisdiction.

On December 13, 2000, the parties filed a "Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under section 345.065.2(2), RSMo Supp. 1998. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under Regulation 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 1994.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. This is consistent with the holding that we have no role in superintending agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied.

SO ORDERED on December 18, 2000.


SHARON M. BUSCH
Commissioner